

LAUREN BLAZER, ERICA SPIRES, and,
DAVID SANZ

V.

Defendant.

JUDGE: Greer
MAGISTRATE: Guyton

Pursuant to Rule 56 of the Federal Rules of Civil Procedure Buddy Gregg Motor Homes, LLC (“Buddy Gregg”), by undersigned counsel, moves for partial summary judgment in its favor with respect to application of statutory damage caps under Title VII and the Tennessee Human Rights Act. In support of its motion Buddy Gregg submits its memorandum of law in support and shows the Court as follows:

1. Title VII and the THRA cap compensatory and punitive damages for employers with 15 to 100 employees at \$50,000. 42 U.S.C. § 1981a(b)(3); Tenn. Code Ann. § 4-21-313 (a) (3).
2. In 2016 and 2017 Buddy Gregg had less than 100 employees.
3. Plaintiffs assert that Buddy Gregg and two other entities should be considered a “single employer” and the number of employees aggregated such that the figure is more than 500.
4. Plaintiffs are not correct. Buddy Gregg and the other entities are in different industries, operate in different states, have separate local management teams that are empowered to and to make decisions both employment-related and operationally, and labor relations is not centrally controlled. Swallows v. Barnes & Noble Stores, 128 F.3d 990, 994 (6th Cir.

1997). In short, except for common ownership the factors that indicate single employer status are not met.

As stated above and as more fully set out and supported in the memorandum of law, analysis of the facts in light of controlling legal principles shows that the damage caps for employers of 15 to 100 employees apply in this case. Buddy Gregg moves the Court for entry of an Order granting summary judgment in its favor on that issue of damages.

Respectfully submitted this 8th day of July, 2019.

/s/ Howard B. Jackson

Howard B. Jackson, BPR #021316
Ann E. Sartwell, BPR #021258
Wimberly Lawson Wright Daves & Jones, PLLC
P.O. Box 2231
Knoxville, TN 37901-2231
(865) 546-1000
(865) 546-1001 (fax)

Attorneys for Buddy Gregg Motor Homes, LLC

CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Partial Summary Judgment with Respect to Damage Caps was served on the following persons, via the Court's electronic filing system, this 8th day of July, 2019:

Edward G. Phillips
Brandon L. Morrow
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901-0629

/s/ Howard B. Jackson

Howard B. Jackson